

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:16CR265
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
-vs-	)	
	)	<u>ORDER</u>
ERICK JAMAL HENDRICKS,	)	
	)	
	)	
Defendant.	)	

Pending before the Court is Defendant Erick Jamal Hendricks' motion in limine related to evidence that discusses Garland, Texas. The motion is DENIED IN PART AND HELD IN ABEYANCE IN PART.

In his motion, Hendricks seek to exclude any and all evidence regarding Garland, Texas. Hendricks contends that the unfair prejudice created by the presentation of such evidence far outweighs its probative value. Contrary to the position taken by Hendricks, the Government has proffered evidence showing ties between Hendricks and one of the shooters in the Garland, Texas incident, Elton Simpson. The Government has also proffered that it will show communications between Hendricks and the UCE that involve both Simpson and Garland, Texas. As presented, the evidence will form a core portion of the Government's case against Hendricks. As such, the

Court does not find that any of the electronic evidence approaches the line of being unduly prejudicial. Moreover, it has substantial probative value.

The Court will hold in abeyance its ruling on the right to present photographs of the Garland, Texas incident. While the Government expresses concern over “gaps” in its evidence if the photographs are not introduced, it is unclear to the Court at this stage what “gaps” cannot be filled through the testimony of the Government’s witnesses. Moreover, it appears at this stage that many of the photographs may only corroborate testimony given by the witness. As such, the Court will hold in abeyance any ruling on the admissibility of the photographs until the Court has heard foundational testimony and determined the necessity or lack thereof for producing the photographs.

The Defendant’s motion in limine is DENIED IN PART and HELD IN ABEYANCE IN PART as detailed herein.

IT IS SO ORDERED.

Dated: March 2, 2018

/s/ John R. Adams  
JOHN R. ADAMS  
UNITED STATES DISTRICT JUDGE